

***Local Law Filing***

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**County**  
**City**  
**of**            Walden  
**Town**  
**Village**

**Local Law No.   2   of the year  2015**

**A local law**    Amending Chapter 291 of the Code of the Village of Walden entitled “Vehicle and Traffic” by adding a provision regarding the enforcement of Handicapped Parking Regulations.  
*(Insert Title)*

**Be it enacted by the**    Village Board  
*(Name of Legislative Body)*

**of the**  
**County**  
**City**  
**of**            Walden as follows:  
**Town**  
**Village**

**Section 1.    Title:**

This Local Law shall be referred to as a Local Law Amending Chapter 291 of the Code of the Village of Walden entitled “Vehicle and Traffic” by adding a provision regarding the enforcement of Handicapped Parking Regulations.

**Section 2.    Purpose:**

The Village of Walden has determined that it is in the overall public interest to ensure that spaces duly designated for the purpose of providing for parking for those vehicles equipped with a handicapped parking permit issued pursuant to Section 1203-A of the Vehicle and Traffic Law of the State of New York are utilized only for the purpose of which those parking spaces are intended. In order to achieve this objective, it is deemed appropriate and necessary by the Village Board to ensure that the Village of Walden Police Department has all necessary and required authority to enforce the law so as to ensure that appropriately designated spaces are reserved solely and specifically

for those vehicles bearing legally issued handicapped parking permits. Presently, the Village Code could be interpreted to address handicapped parking on only certain specific public streets. However, in addition to the New York State Vehicle and Traffic Law, the New York State Uniform Fire Prevention and Building Code requires that handicapped parking spaces be designated when certain parameters are extant. This Local Law gives the Village of Walden Police Department the authority to enforce handicapped parking violations in circumstances wherever a designated handicapped parking space is required by law.

**Section 3. Amendment to Text of Chapter 291:**

The text of Chapter 291 is hereby amended by the addition of a new provision be designated as Section 291-18(A). It shall read as follows:

**Section 291-18(A). Additional Regulations Pertaining to Handicapped Parking.**

- A. Whenever any motor vehicle that does not have a parking permit for the handicapped in accordance with law is found parked in an area designated for handicapped parking, which areas shall specifically include the streets identified in Section 291-18 as well as any other handicapped parking area required by the New York State Building Code, the Police Department of the Village of Walden shall have the power, right and authority to issue an appearance ticket returnable in the Village of Walden Justice Court for the violation of this Section.
  
- B. If there is no response in Justice Court to the appearance ticket issued, the Court shall issue a summons to the owner of the motor vehicle to which the appearance ticket was affixed and direct that the same be served upon said owner. Any prosecution charging a violation of this Section, proof that the vehicle was parked in a violation of this Section, together with proof that the Defendant named in the summons issued by the Court was at the time of the violation the registered owner thereof, shall constitute a presumption that the registered owner of such vehicle was the person who parked or places the vehicle at the point where and at the time during which such violation occurred or who gave his or her consent to the person who parked or placed the vehicle at the point where and for the time during which such violation occurred.
  
- C. Every person convicted of a violation of any provision of this Section related to a violation of the handicapped parking prohibitions set forth herein, shall for the first conviction thereof, be punished by a fine of not more than \$100.00 or by imprisonment of not more than 15 days or by both such fine and imprisonment; for a second such conviction with 18 months thereafter, such person shall be punished by a fine of not more than \$200.00 or by imprisonment of not more than 45 days or by both such fine and imprisonment; upon a third or subsequent conviction within 18 months after the first conviction, such person shall be punished by a fine of not more than \$300.00 or by imprisonment of not more than 90 days or by both such fine and imprisonment.

**Section 4. Validity**

4.1 If any clause, sentence, paragraph, word, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy to which such judgment shall have been rendered.

**Section 5. Effective Date**

5.1 This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.